

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK: CRIMINAL TERM: PART 31
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3 THE PEOPLE OF THE STATE OF NEW YORK

Indictment
No. 2331/04

4 -against-

5 ROBERT ANGONA,

GL 2

6 Defendant.
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Calendar Call

8 October 8th, 2004

9 100 Centre Street
New York, NY 10013

10 B e f o r e:

12 HONORABLE RONALD A. ZWEIBEL,

13 Justice.

14 Appearances:

15 ROBERT MORGENTHAU, ESQ.
16 District Attorney, New York County
17 BY: AMY AMSTER, ESQ.
Assistant District Attorney

18 MICHAEL RODI, ESQ.
19 Attorney for Defendant
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25 Joanne Fleming
Senior Court Reporter

1 (In open court)

2 THE CLERK: Calendar number fourteen, from
3 the pens, Robert Angona, indictment number 2331,
4 2004.

5 MS. AMSTER: Amy Amster for the People.

6 MR. RODI: Michael Rodi, 350 Broadway, New
7 York, New York, for Mr. Angona.

8 THE COURT: Mr. Rodi, is there a possible
9 disposition?

10 MR. RODI: May we approach?

11 THE COURT: Yes.

12 (Whereupon, a discussion was held at the
13 bench and off the record.)

14 MR. RODI: Your Honor, we have a
15 disposition. At this time, after much discussion
16 with Mr. Angona and Ms. Lipinski from the District
17 Attorney's Office, we are prepared to dispose of
18 this case with a plea of guilty to grand larceny in
19 the second degree, the first and only count in this
20 indictment, in satisfaction of the whole indictment.

21 THE COURT: Alright.

22 Mr. Angona, you heard what your lawyer just
23 stated? You heard what your lawyer just stated?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Is it your wish at this time

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1 to withdraw your heretofore not guilty plea to this
2 indictment, and are you now offering to plead guilty
3 to grand larceny in the second degree in full
4 satisfaction of this indictment?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you entering this plea of
7 your own free will?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Using drugs or medication of
10 any kind at this time?

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you discussed the case
13 and your plea with your attorney?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had sufficient time
16 to thoroughly discuss your decision to plead guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you pleading guilty
19 because you are, in fact, guilty of this crime?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You understand, by pleading
22 guilty, you are waiving your constitutional rights
23 which include your right to a trial by jury, your
24 right to confront witnesses against you, your right
25 to remain silent and your right to put the People to

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1 the burden of proving your guilt beyond a reasonable
2 doubt?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You also understand that if
5 your plea of guilty is accepted by this Court, it
6 will be exactly the same as if you were found guilty
7 after the trial of the charge of grand larceny in
8 second degree?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You understand the charge you
11 are pleading guilty to, is that correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: The assistant district
14 attorney, your lawyer or anyone else force you or
15 threaten you to enter this plea of guilty?

16 THE DEFENDANT: No.

17 THE COURT: The indictment charges you
18 with grand larceny in the second degree committed as
19 follows:

20 The defendant, in the County of New York,
21 during the period from August 1st, 2003 through
22 April 30th, 2004, stole property from New York
23 Academy of Art and the value of the property
24 exceeded fifty thousand dollars.

25 Do you admit to that charge?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: I am agreeing to enter the
3 agreement between your lawyer and the district
4 attorney's office whereby you will receive a minimum
5 sentence of four years and a maximum sentence of
6 eight years.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have any other promises been
10 made aside from that promise?

11 THE DEFENDANT: No, sir.

12 THE COURT: Plea acceptable to the People?

13 MS. AMSTER: Yes, your Honor.

14 THE COURT: Take the plea.

15 THE CLERK: Mr. Robert Angona, do you now
16 withdraw your previously entered plea of not guilty
17 and are you now entering a plea of guilty to grand
18 larceny in the second degree? Is that your plea,
19 sir? Are you pleading guilty to grand larceny?

20 THE DEFENDANT: Yes.

21 THE COURT: Do we have a predicate
22 statement?

23 MS. AMSTER: No, Judge, the predicate
24 statement isn't here.

25 THE COURT: We will have to arraign him as

1 a predicate on the date of sentence.

2 How is October 29th, counsel?

3 MR. RODI: Fine, your Honor.

4 THE CLERK: October 29th.

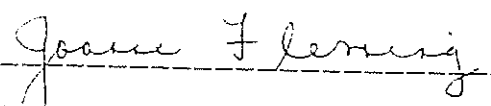
5 Remand, Judge?

6 THE COURT: Defendant's remanded.

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8 CERTIFIED TO BE A TRUE AND ACCURATE
9 TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES
10 TAKEN OF THIS PROCEEDING.

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JOANNE FLEMING
Senior Court Reporter